PART IV

Section—2-C (ii)

STATUTORY ORDERS ISSUED BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS AND STATE ACTS.

GOVERNMENT OF KARNATAKA

SOCIAL WELFARE AND LABOUR SECRETARIAT

Labour dispute.—Industrial dispute between the Workmen and the Management of Gokak Mills Ltd., Gokak Falls.

Award of the Presiding Officer, Additional Industrial Tribunal, Bangalore, published.

Read the following papers.

(1) Letter No. AIT/799/74-75, dated 25th March 1975, from Sri G. S. Bhagawat, Presiding Officer, Additional Industrial Tribunal, Bangalore.

BEFORE THE ADDITIONAL INDUSTRIAL TRIBUNAL AT BANGALORE.

Dated this 24th day of March 1975

PRESENT :

Shri G. S. Bhagwat, B.A., LL.B.,
Presiding Officer.

A.I.D. No. 6 of 1973

I Party :

Workmen of Gokak Mills Ltd., Gokak Falls, represented by the Employees' Union, Gokak Falls, District Belgaum.

Vs.

II Party :

The Management of Gokak Mills Ltd., Gokak Falls, District Belgaum.

Appearances :

For the I Party.—Sri M. N. Dharwadkar, President, The Gokak Mills Employees' Union, Gokak Falls, Belgaum District.

For the II Party.—Sri R. Gururajan, Advocate, Bangalore.

AWARD

Short History of the Dispute :—

The Gokak Mills Ltd., is a Public Ltd., Company established in the year 1887. There is Engineering Department, consisting of mechanical and electrical Sections, mechanical section is doing service to the working of the mills by making repairs to machinery parts of the mills. The electrical section is doing service of starting the mills and repairing the electrical faults and electrical appliances. The Gokak Mills have been expanded and modernized during the last decade. The complements of the mills have increased from 3,000 to 7,000 during that period. But there has been no increase in the complements of the Engineering Department. On the contrary the management is extracting work from the workers without paying higher wages and is also extracting work on a different nature and of a higher grade though not required to do under the service conditions. Being aggrieved by the action of the management the Union on behalf of the workmen, has

raised the Industrial Dispute for the gradation and permanancy of the workmen in that grade. The Government of Mysore now Karnataka having been satisfied about the justness of the demands by its Order No. FCL 297 LLD 72, dated 23rd January 1973 referred the following points of disputes for adjudication :

" whether the workmen of Gokak Mills Ltd., Gokak Falls, represented by the Gokak Mills Employees' Union, Gokak Falls are justified in demanding that :

(*a*) Shri Ramachandra Bhima HRP. 5 working for the last 6 years as badli operative should be made permanent in the post of R. 32 ;

(*b*) Shri Rangappa Satyappa B. Temp. 1509 working as Cable Jointer for the last 6 years should be made permanent ;

(c) (i) Shri Mallappa Tammanna B. 69 (ii) Shri Yeshwant Ramachandra E. BP-3 (iii) Shri Appayya Kammar EBP. 5460, who are designated as coolies and working as fitters should be placed in the Grade of Fitters and workmen at serial No. (ii) and (iii) should be made permanent.

(d) Shri Bhima Rama E. 118, Coolie should be designated as Motor Attendant and made permanent.

If not, what other relief the concerned workmen are entitled to ?"

2. Workmen of Gokak Mills Ltd. represented by Employees' Union, Gokak Falls (hereinafter called as I-party filed their claim statement on 7th July 1973. Their contentions in brief are these :

Ramachandra Bhima EBP-5 in the post of E-32 was issued the Badli pass on 15th May 1965 and was assigned

the work of a Helper to Tinsmith. He so worked from 65 to 72. On 19th December 1970 the Union made a demand for his confirmation as a Tin Smith as a vacancy of a Tin Smith was created due to the death of one Lagma, E-32, to which he was entitled to as a matter of right. The Management transferred him and made him to work as a fitter for three months *i.e.*, from November, 72 to January, 73 and then he was sent as a helper to the Miller. This action of the management is not *bona fide* and is contrary to all the cannons of law.

Rangappa Satyappa E. Temp. 1509 is working as a Cable Jointer since 1964 and as a temporay operative. His work is not of a temporary nature. He worked so far over 9 years satisfactorily under the service conditions and he shall have to be confirmed. The workmen Mallappa, Tammanna, though appointed as a coolie has been working as a fitter for the last 20 years and as such he ought to be placed in the Grade of a fitter. The workman Yeshwant, Ramachandra and Appayya-Kammar are working as fitters for more than 5 years. Though they are holding badli passess they are invariably working throughout the year and hence they should be confirmed.

Another workman Bhim Rama E-118 was appointed as a Coolie. After he was confirmed, he worked as a Coolie for over 16 years. Thereafter he was made to work as a Motor attendant and he worked as such for over 4 years. There has been a vacancy of a Motor attedant created by the death of Kajalkhan Rahmankhan E-105 about 2-3 years back to which he is entitled and hence they prayed that an Award be passed in terms of the demands.

3. The Management of Gokak Mills Ltd., (hereafter called as the II-party filed its counter statement on 18th August 1973. The case of the II-party is that the contentions in this regard are too general and vague and the I-party has not given any specific instances which are detrimental to the interest of the workers. With regard to the regulations of the concerned workmen the management

contended when they work intermitently they cannot as a matter of right claim promotion to higher posts and their claims are untenable in law and they are not put to any monitory loss and the workmen Rangappa Satyappa is not entitled for permanancy in the post and hence they submitted that the reference may be rejected.

4. This case was taken up for hearing at Belgaum Camp on 17th December 1974. W.W.-1 and W.W.-2 were examined on behalf of the I-party and at this stage as the parties indicated some talk of settlement. The case was adjourned to 22nd January 1975 either for reporting settlement or for further evidence of the I-party. Thereafter the case had several adjournments and on 20th March 1975 the case was advanced on the application filed by Shri R. Gururajan, appearing for the II-party and the joint memo of the parties along with terms of settlement was recorded. The parties have arrived at a settlement in respect of the dispute under reference. Both the parties prayed for an Award in terms of the settlement dated 17th March 1975.

5. Heard Shri R. Gururajan appearing for the II-party. I was satisfied with the joint memo and the terms of the settlements, which are signed by the parties to the dispute and attested by independent witnesses. The terms of settlement so filed are fair and reasonable and I find no legal impedement to give an Award in terms of the said settlement.

In the result the Award is given in terms of the settlement dated 17th March 1975 which shall form part of this Award.

Parties to bear their own costs.

Sd. G. S. BHAGWAT,
Presiding Officer,
Additional Industrial Tribunal,
Bangalore.

Memorandum

Memorandum of Settlement under Section 18(1) of the Industrial Disputes Act, 1947, read with Rule 59 of the Industrial Disputes (Karnataka) Rules, 1957.

Names of parties.—

Representing Employer.—Management of Gokak Mills (Division of Gokak Patel Volkart Limited), Gokak Falls, District Belgaum.

Representing employees.—Gokak Mills Employees' Union, House No. 19/3, Gokak Falls.

Short Recital of the Case

At the instance of Gokak Mills Employees' Union, Gokak Falls, the Government of Karnataka, by their Order No. FCL/297/LLD/72, dated 23rd January, 1973, have referred a dispute to the Additional Industrial Tribunal, Bangalore. The said dispute is numbered A.I.D. 6 of 1973 and is pending.

Terms of Settlement

1. Shri Ramachandra Bhima; E/BP/5, will be made permanent and will be placed in Tinsmith's Grade I.

2. Shri Yeshwant Ramachandra; E/BP/3, will be made permanent.

3. Shri Bhima Rama; E/118, will be designated as a Motor Attendant.

4. Shri Maruti Bhimarao; E/BP/24 will be made permanent and will be placed in Blacksmith's Grade I

Above agreement is full and final satisfaction of the dispute in A.I.D. 6 of 1973. Both the parties agree to file this settlement before the Honourable Additional Industrial Tribunal, Bangalore, in A.I.D. 6 of 1973 and request for and Award in terms of the settlement. Above settlement will come into force from the date of signing the settlement.

Dated this 17th day of March, 1975.

Signatures of Parties.
For Gokak Mills (Division of Gokak Patel Volkart Ltd.).

Witnesses:
(1) Sd.
(2) Sd.

Sd.
Mills General Manager
For Gokak Mills Employees' Union, Gokak Mills.

Sd.
President.

(COPY)

G. S. Bhagawat,
Presiding Officer,
Additional Industrial Tribunal,
Bangalore.

Order No. SWL 89 LLA 75,

Bangalore, dated the 8/10th April 1975

S. O. 1148.—

WHEREAS by State Government Order No. FCL 297 LLD 72, dated 23rd January 1973 the industrial dispute between the Workmen and the Management of Gokak Mills Ltd., Gokak Falls, was referred to the Additional Industrial Tribunal, Bangalore, for adjudication.

AND, WHEREAS the Additional Industrial Tribunal, Bangalore, has submitted to the State Government its award in respect of the said industrial dispute.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Karnataka are pleased to direct the publication of the said award as above, in the *Karnataka Gazette.*

By Order and in the name of the Governor of Karnataka,

K. MYLARAPPA,
Under Secretary to Government,
Social Welfare and Labour Department.